

From: [Shields, Amy](#)
To: kbjordan@mchsi.com
Subject: U.S. Environmental Protection Agency Review of Meskwaki Nation's Eligibility Application for Clean Water Act Water Quality Standards and Certification Programs
Date: Friday, May 17, 2019 9:56:00 AM
Attachments: [Attch. G- Meskwaki Trust Only Lands Map.pdf](#)

County Commissioner Kendall Jordan
104 W State street
PO Box 61
Toledo, Iowa 52342

Re: U.S. Environmental Protection Agency Review of Meskwaki Nation's Eligibility Application for Clean Water Act Water Quality Standards and Certification Programs

Dear Commission Chairman Jordan,

I am writing to inform you that the Meskwaki Nation (Tribe) has applied to the U.S. Environmental Protection Agency (EPA), Region 7, to be eligible for "treatment in a similar manner as a state" (TAS) authority for purposes of administering Sections 303(c) (water quality standards (WQS)) and 401 (certifications) of the Clean Water Act (CWA) within the Meskwaki Nation Indian Settlement. This application is pending and was recently subject to a public notice and comment period.

The EPA completed the public notice and request for comments from state and federal entities and the public on April 1, 2019. You may recall seeing the 30-day public notices that were published in the Meskwaki National Times, the Des Moines Register, and Marshalltown Times Republican, newspapers on March 1, 2019. The agency did not receive any comments from the State of Iowa or anyone else. Pursuant to EPA's regulations, the agency's request for comments focused on the jurisdictional authority of the Tribe to administer the CWA Sections 303(c) and 401 programs over surface waters located within the Meskwaki Nation Indian Settlement. A map of the Settlement is attached to this message. Also, if you would like to see a copy of the Tribe's complete application please contact me and I can email that to you.

The EPA is conducting this additional outreach to you as a courtesy because you are a neighboring county government. If you have any questions or comments on the Tribe's assertion of authority to regulate surface water quality within the Meskwaki Nation Indian Settlement, we would appreciate receiving them.

The EPA has not yet made a decision on this TAS eligibility application from the Tribe. Approval of the application would mean that the Tribe would be treated similar to a state for CWA Section 303(c) purposes and thus eligible to submit to EPA and seek EPA's approval of a WQS program under Section 303(c) of the CWA for the surface waters within the Meskwaki Nation Indian Settlement. In addition, the approval of this TAS application would mean the Tribe would be authorized to certify under Section 401 of the CWA that discharges to surface water within the Settlement comply with the established tribal water quality standards. Importantly, the application currently pending before EPA relates solely to the Tribe's TAS eligibility. The EPA's decision on the TAS eligibility application is separate from any EPA action on actual tribal WQS. Establishment of actual tribal WQS and periodic

reviews of those WQS would be subject to additional public notice and comment procedures, and any tribal WQS would be submitted to EPA for review and approval as a separate EPA action under the CWA.

If you would like to discuss this matter, please contact me at shields.amy@epa.gov; (913) 551-7396.

Best regards,
Amy Shields, Ph.D.
Branch Chief, Standards and Water Quality Branch
U.S. EPA Region 7 Water Division